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2013 JUL - 1 PM 12:54
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$85,790.00 IN U.S. CURRENCY,
and
\$7,000.00 IN U.S. CURRENCY,
Defendants.

CIVIL ACTION NO.
JUDGE

1:13CV1442

JUDGE POLSTER

MAG. JUDGE MCHARGH

COMPLAINT IN FORFEITURE

NOW COMES plaintiff, the United States of America, by Steven M. Dettelbach, United States Attorney for the Northern District of Ohio, and Herbert J. Villa, Assistant U.S. Attorney, and files this Complaint in Forfeiture, alleging on information and belief the following:

JURISDICTION AND INTRODUCTION

1. This Court has jurisdiction over this in rem proceeding pursuant to 28 U.S.C. §§ 1345 and 1355, 8 U.S.C. § 1324(b)(1) and 18 U.S.C. § 981.

2. This Court has venue in this matter pursuant to 28 U.S.C. § 1395.

3. The defendant currencies (hereinafter "Defendants") were seized on February 20, 2013 and are now in the possession of the federal government.

4. Subsequent to the seizure, Customs and Border Protection commenced administrative forfeiture proceedings against the Defendants. Claims to the Defendants were submitted in the administrative forfeiture proceeding by Wen Hao Xu, Xin Hua Hsu, Chau Fong Hsu Lam, and Royal Buffet, LLC, necessitating the filing of this judicial forfeiture action.

5. The Defendants are subject to forfeiture to the United States pursuant to 8 U.S.C. § 1324(b)(1) and 18 U.S.C. § 981 because they constitutes proceeds from violations of 8 U.S.C. § 1324(a)(1)(A) relating to the harboring of illegal aliens.

FORFEITURE COUNT

6. Federal agents have been investigating Royal Buffet and Grill, a Chinese buffet restaurant located in Akron, Ohio. The investigation has revealed that the owners of Royal Buffet have been harboring undocumented immigrants.

7. Royal Buffet worked with smuggling agencies in Chicago and New York to secure many of its employees who are all either Mexican or Chinese immigrants.

8. The majority of the undocumented immigrants live at 1045 Annapolis Avenue, Akron, Ohio. The investigation has revealed that the undocumented immigrants walk between this residence and the Royal Buffet and/or are being driven thereto.

9. The investigation has also revealed that the operators of Royal Buffet do not record, nor deposit cash sale receipts. Rather, at the end of each day, the cash is transported via paper bag to a residence located at 933 Annapolis Avenue, Akron, Ohio.

10. On February 20, 2013, federal agents executed a search warrant at the two above-mentioned residences. The agents encountered five undocumented immigrants at the 1045 Annapolis address. None of the five appeared on Royal Buffet's wage reports, but each admitted to working at Royal Buffet and to being paid in cash.

11. At the 933 Annapolis address agents discovered and seized \$85,790 in the bedroom of Wen Hao Xu and \$7,000 from the bedroom of Xin Hua Hsu, for a total of \$92,790 in U.S. Currency. Rui Xu advised agents that the \$85,790 represented cash sales and belonged to his father, Wen Hao Xu, who himself informed agents that the currency was from cash sales, part of which was used to pay illegal aliens employed at Royal Buffet.

12. By reason of the foregoing, the Defendants are subject to forfeiture to the United States pursuant to the statutory authority set forth in paragraph 5 hereof.

WHEREFORE, plaintiff prays that this Court enter judgment condemning the Defendants and forfeiting them to the United States of America for disposition according to law, and for such other relief as this Court may deem just and proper.

Respectfully submitted,

STEVEN M. DETTELBACH
United States Attorney

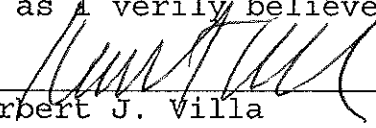
By: 

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VERIFICATION

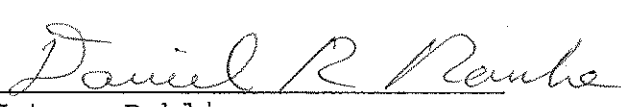
STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, Herbert J. Villa, being first duly sworn, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and one of the attorneys for the Plaintiff in this action. Under penalty of perjury I depose and say the foregoing Complaint in Forfeiture is based upon information officially provided to me and is true as I verily believe.



Herbert J. Villa
Assistant U.S. Attorney

Sworn to and subscribed in my presence this 1st day of July, 2013.



Notary Public

DANIEL R. RANKE, Attorney At Law
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03 O. R. C.